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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of

Inventor: Mark C. Doyle

Application No.: 09/927,109

Filed: August 10, 2001

For: VALVED MALE LUER

Group Art Unit: 3754

Examiner: J. Fristoe, Jr.

Docket No. 66943

REVOCATION OF PRIOR POWERS OF ATTORNEY AND APPOINTMENT  
OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

As Assignee of record of the entire interest of the above-identified patent, all powers of attorney previously given are hereby revoked, and the following attorneys and/or agents are hereby appointed to prosecute and transact all business in the Patent and Trademark Office connected therewith:

THOMAS A. RUNK, Registration No. 30,679; CRAIG B. BAILEY, Registration No. 28,786; RICHARD A. BARDIN, Registration No. 20,365; MICHAEL S. ELKIND, Registration No. 28,710; JOHN K. FITZGERALD, Registration No. 38,881; GILBERT G. KOVELMAN, Registration No. 19,552; JOHN S. NAGY, Registration No. 30,664; THOMAS H. MAJCHER, Registration No. 31, 119; DAVID G. PARKHURST, Registration No. 29,422; JAMES W. PAUL, Registration No. 29,967; KAREN L. RUTHIG, Registration No. 54,415; DAVID S. SARISKY, Registration No. 41,288

Direct all telephone calls to Thomas A. Runk at telephone number (310) 824-5555.

**CORRESPONDENCE ADDRESS**

Address all correspondence to:


FULWIDER PATTON LEE & UTECHT, LLP  
Howard Hughes Center  
6060 Center Drive, Tenth Floor  
Los Angeles, California 90045

**Customer No.: 24201**

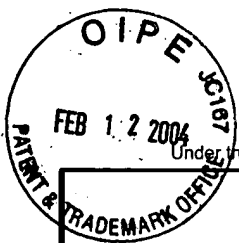
Please change the attorney docket number from 7234-PA02 to Docket No. 66943.

The undersigned, whose title is indicated below, is empowered to sign this Power of Attorney and statement on behalf of the Assignee.

Dated: FEB. 3, 2004

  
\_\_\_\_\_  
Stuart E. Rickerson, Esq.  
Vice President & General Counsel  
ALARIS Medical Systems, Inc.  
10221 Wateridge Circle, Bldg. A  
San Diego, California 92121-2733

40061.1



### STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Mark C. Doyle

Application No./Patent No.: 09/927,109

Filed/Issue Date: August 10, 2001

Entitled: VALVED MALE LUER

ALARIS Medical Systems, Inc.

, a Delaware corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: DOYLE To: TIVA  
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2. From: TIVA To: ALARIS  
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☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to

Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See

MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

FEB. 3, 2004

Date

858-458-7000

Telephone number

Stuart E. Rickerson

Typed or printed name

[Signature]

Signature

Vice President & General Counsel

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETE D FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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Patent and Trademark Office**

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OCTOBER 17, 2001

PTAS  
BROWN, MARTIN, HALLER & MCCLAIN LLP  
NIKY G. ECONOMY  
1660 UNION STREET  
SAN DIEGO, CA 92101-2926



\*101814211A\*

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RECORDATION DATE: 08/10/2001

REEL/FRAME: 012067/0784  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
DOYLE, MARK C.

DOC DATE: 08/07/2001

ASSIGNEE:  
TIVA MEDICAL INC.  
2157 VISTA LA NISA  
CARLSBAD, CALIFORNIA 92009

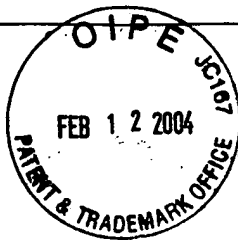
SERIAL NUMBER: 09927109  
PATENT NUMBER:

FILING DATE: 08/10/2001  
ISSUE DATE:

PAULA MCCRAY, EXAMINER  
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**Correspondent Name and Address**

Area Code and Telephone Number

(619) 238-0999

Name

Niky G. Economy

Address (line 1)

Brown, Martin, Haller & McClain LLP

Address (line 2)

1660 Union Street

Address (line 3)

San Diego, CA 92101-2926

Address (line 4)

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If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor.

Month Day Year

08-07-2001

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Enter PCT application number

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**Statement and Signature**

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Niky G. Economy

Name of Person Signing



Signature

August 10, 2001

Date

## ASSIGNMENT

### TO WHOM IT MAY CONCERN:

For the sum of One Dollar and other valuable consideration to me in hand paid, receipt of which is hereby acknowledged, be it known that I, **MARK C. DOYLE**, a citizen of the United States, having a place of residence at 4804 50th Street, San Diego, California, 92115, have sold, assigned and transferred and by these presents do sell, assign, transfer and set over unto **TIVA MEDICAL, INC.**, a California corporation, having a place of business at 2157 Vista La Nisa, Carlsbad, California, 92009, its successors, legal representatives, or assigns, the whole right, title and interest in and to a certain invention relating to a **VALVED MALE LUER** by me devised and the application for United States Patent therefor executed by me on even date herewith preparatory to filing the same in the United States Patent and Trademark Office, and all original and reissue patents granted thereof, and all divisions and continuations thereof, including the subject-matter of any and all claims which may be obtained in every such patent, and all foreign rights to said invention, and covenant that I have full right to do so, and agree that I will communicate to said corporation or its representatives all facts known to me respecting said invention, whenever requested, and testify in any legal proceedings, sign all lawful papers, make all rightful oaths and generally do everything possible to aid said corporation, its successors, assigns, and nominees to obtain and enforce proper patent protection for said invention in all countries.

The Commissioner of Patents and Trademarks is requested to issue the Letters Patent which may be granted for said invention or any part thereof unto the said corporation in keeping with this Assignment.



Done at San Diego National Bank this 7<sup>th</sup> day of August, 2001.

Mark C. Doyle  
Mark C. Doyle

State of California )  
) ss.  
County of San Diego )

On August 7<sup>th</sup> 2001 before me, the undersigned Notary Public in and for said County and State, personally appeared Mark C. Doyle

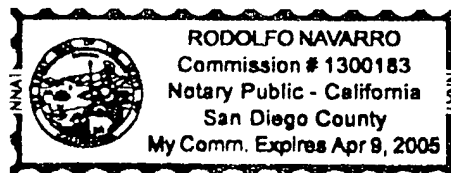
\_\_\_\_ personally known to me

or

X proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

(Signature of Notary)



## ACKNOWLEDGEMENT OF ASSIGNMENT

This ACKNOWLEDGEMENT OF ASSIGNMENT by and between TIVA Medical, Inc., a California corporation, having offices at 2157 Vista La Nisa, Carlsbad, CA 92009, Assignor, and ALARIS Medical Systems, Inc., a Delaware corporation, having offices at 10221 Wateridge Circle, San Diego, California, 92121, Assignee.

WHEREAS, Assignor has: (i) invented a first VALVED MALE LUER for which a patent application has been filed having Application No. 09/927,109, a filing date of August 10, 2001, a publication no. of US 2003/0032940 A1, and a named inventor of Mark C. Doyle; (ii) invented a second VALVED MALE LUER for which a patent application has been filed having Application No. 10/389,652, a filing date of March 13, 2003, a publication no. of US 2003/0136932 A1, and a named inventor of Mark C. Doyle; and (iii) filed an international patent application having an International Application No. of PCT/US02/25393 having a filing date of August 9, 2002, a publication no. of WO 03/013646 A2, and a named inventor of Mark C. Doyle, all inventions and patent applications referred to herein collectively as "said inventions" and "said patent applications" respectively;

WHEREAS, Assignee desires to acquire by formal, recordable assignment the entire right, title, and interest in and to said inventions, said patent applications, any other patent applications on said inventions, and any Letters Patent that may be granted on said inventions and that may be granted on said patent applications in the United States and throughout the world; and

WHEREAS, Assignor and Assignee have entered into that certain Definitive Agreement dated November 10, 2003, under which Assignor has assigned to Assignee said inventions, any and all Letters Patent that may be issued on said inventions, said patent applications and any and all Letters Patent that may be issued from said patent applications (the "Definitive Agreement"), and Assignor and Assignee desire to acknowledge that assignment with a recordable document.

## *ACKNOWLEDGEMENT OF ASSIGNMENT*

NOW, THEREFORE, for the sum of one dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, effective as of the effective date of the Definitive Agreement, Assignor hereby sells, assigns, and transfers to Assignee the entire right, title, and interest in and to said inventions, any and all Letters Patent that may be issued on said inventions, said patent applications and any and all Letters Patent that may be issued from said patent applications, in the United States and throughout the world, including the right to file foreign applications directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties, or otherwise.

Further, Assignor agrees that, upon request and without further compensation, but at no expense to Assignor, it and its legal representatives and assigns will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing, or enforcing Letters Patent in the United States and throughout the world for said inventions, and for perfecting, recording, and maintaining the title of Assignee, its successors and assigns, to said inventions, said patent applications and any Letters Patent granted for said inventions in the United States and throughout the world.

Assignor represents and warrants that it has not granted and will not grant to any other or others any rights inconsistent with the rights granted herein.

Assignor authorizes and requests the Commissioner of Patents and Trademarks of the United States and of all foreign countries to issue any Letters Patent granted for said inventions, whether on said patent applications or on any subsequently filed patent applications or on any subsequently filed division, continuation, continuation-in-part, reexamination, or reissue applications, to Assignee, its successors and assigns, as the assignee of the entire interest in each said invention.

**ACKNOWLEDGEMENT OF ASSIGNMENT**

IN WITNESS WHEREOF, Assignor has executed this ACKNOWLEDGEMENT OF ASSIGNMENT on the date written below:

ASSIGNOR:

**TIVA Medical, Inc.**

By:

Jim Caputo

Printed Name:

JIM CAPUTO

Title:

PRESIDENT

01/26/04

Notarization Required

January 26, 04

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

San Diego

SS.

On Jan. 26, 2004

Date

before me, Christine L. Molla, Notary Public

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared

Jim Caputo

Name(s) of Signer(s)

☐ personally known to me

☒ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.

Christine L. Molla

Signature of Notary Public

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Jim Caputo

☐ Individual

☒ Corporate Officer — Title(s):

President

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other:

Signer Is Representing:

TIVA Medical, Inc.

RIGHT THUMBPRINT  
OF SIGNER  
Top of thumb here